

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CAROL GIVENS,

Plaintiff,

v.

Civil Action 2:23-cv-1330
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura

JUDGE JOHN VAVRA, *et al.*,

Defendants.

ORDER

This matter is before the Court on several motions by Plaintiff. (ECF Nos. 16–17, 19–22.) First, Plaintiff moves to amend her Complaint. (ECF No. 16.) However, she provides no information as to the proposed amendments or the grounds for amendment. Accordingly, Plaintiff’s Motion for Notice, Consent, and Leave to Correct or Amend Complaint (ECF No. 16) is **DENIED WITHOUT PREJUDICE** to filing a properly supported motion. Plaintiff is also advised that under S.D. Ohio Civ. R. 7.3(b), she is required to solicit consent to any proposed amendment from Defendants prior to filing a motion to amend her Complaint.

Next, Plaintiff moves for an extension of time until July 31, 2023, to respond to the three pending Motions to Dismiss. (ECF No. 17.) However, Plaintiff already filed her memorandum in opposition to the Motions to Dismiss on July 10, 2023. (ECF No. 18.) Accordingly, Plaintiff’s Motion for Extension (ECF No. 17) is **DENIED AS MOOT**.

Finally, Plaintiff moves to strike Defendants’ pending Motions to Dismiss under Federal Rule of Civil Procedure 12(f). (ECF Nos. 19–22.) However, by the plain language of the rule,

motions to strike can be made under Rule 12(f) only to strike *pleadings*. *See* Fed. R. Civ. P. 12(f) (“The court may strike *from a pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”) (emphasis added); *Fox v. Michigan State Police Dep’t*, 173 F. App’x 372, 375 (6th Cir. 2006) (“Under Fed. R. Civ. P. 12(f), a court may strike only material that is contained in the pleadings.”). Defendants’ Motions to Dismiss are not pleadings. *See* Fed. R. Civ. P. 7(a) (defining allowable “pleadings” in federal court actions). Defendants’ Motions to Dismiss are therefore not subject to a motion to strike under Rule 12(f). Moreover, to the extent that Plaintiff’s Rule 12(f) motions, in essence, ask the Court to deny Defendants’ Motions to Dismiss, Plaintiff already exercised her opportunity to file a memorandum in opposition to the Motions to Dismiss. (*See* Pl.’s Mem. in Opp’n of Defs.’ Mots. To Dismiss, ECF No. 18.) Accordingly, Plaintiff’s Motions to Strike (ECF Nos. 19–22) are **DENIED**.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE